

CRIMINAL YEAR SEMINAR

April 16, 2021
Webinar



US Supreme Court Law Update

Prepared By:

Robert McWhirter

Certified Specialist in Criminal Law

Distributed By:

**ARIZONA PROSECUTING ATTORNEYS' ADVISORY
COUNCIL**

3838 N. Central Ave., Suite 850
Phoenix, Arizona 85012

And

CLE WEST

5130 N. Central Ave
Phoenix, AZ 85012

**OCTOBER TERM 2020
(2020 and early 2021 cases)
SUPREME COURT OF THE UNITED STATES**



**LAW OFFICES OF
Robert J. McWhirter**

UNITED STATES v. COOLEY, No. 19-1414 – Argued March 23, 2021
Issue: Did lower courts err suppressing evidence because a tribal officer lacked authority to temporarily detain and search a non-Indian on a reservation for a violation of state or federal law.

TORRES v. MADRID, No. 19-292 – Decided March 25, 2021
Issue: Is there a 4th Amendment “seizure” when the police shoot a fleeing suspect who is injured by the bullets but does not stop?

LANGE v. CALIFORNIA, No. 20-18 – Argued February 24, 2021
Issue: Whether the pursuit of a person whom a police officer has probable cause to believe has committed a misdemeanor categorically qualifies as an exigent circumstance sufficient to allow the officer to enter a home without a warrant.

CANIGLIA v. STROM, No. 20-157 – Argued March 24, 2021
Issue: Whether the 4th Amendment’s “community caretaking” exception extends to the home.

BORDEN v. UNITED STATES, No. 19-5410 – Argued November 3, 2020.
Issue: Whether the Armed Career Criminal Act’s “use of force” clause encompasses crimes with a *mens rea* of mere recklessness.

UNITED STATES v. GARY, No. 20-444—Argued April 20, 2020

Issue: Is a defendant who pleaded guilty to felon in possessing of a firearm (18 U.S.C. 922(g)(1) and 924(a)) automatically entitled to plain-error relief if the district court did not advise him that one element is knowledge of his status as a felon, regardless of whether the district court's error affected the outcome.

GREER v. UNITED STATES, No. 19-8709—Argued April 20, 2020

Issue: May a Circuit Court review matters outside the trial record regarding whether the error affected a defendant's substantial rights or impacted the fairness, integrity, or public reputation of the trial when applying plain-error review based on an intervening decision, *Rehaif v. United States*.

EDWARDS v. VANNOY, No. 19-5807 – Argued December 2, 2020

Issue: Is *Ramos v. Louisiana* retroactive to cases on federal collateral review.?

UNITED STATES v. TSARNAEV, No. 20–443

Issues: 1) Judge's failures during *voir dire*; 2) Exclusion of evidence at sentencing of older brother's crimes.

TAYLOR v. RIOJAS, No. 19–1261

Held: Because any reasonable correctional officer should have realized that Trent Taylor's conditions of confinement offended the Eighth Amendment, the 5th Circuit erred in granting the officers qualified immunity.

JONES v. MISSISSIPPI, No. 18–1259 – Argued November 3, 2020

Issue: Does the 8th Amendment require a sentencer to find a juvenile is permanently incorrigible before imposing a life sentence without parole?